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ABSTRACT

California's Proposition 227 requires that all children be taught English by being taught in English. This proposition, which basically outlaws bilingual education, is the newest chapter in the history of how non-English speaking and limited English proficient (LEP) students should be educated. After presenting the historical, social, political, and legal foundations of Proposition 227, this paper describes its current impact. Proposition 227 allows only 1 year for LEP students to acquire enough English to do regular classwork in the mainstream. Many researchers suggest it takes 3-5 years to develop appropriate English skills, so Proposition 227 is unrealistic. Other researchers note that Proposition 227 fails to ensure a supportive schoolwide climate that values LEP students linguistic and cultural backgrounds and does not mandate appropriate training for teachers of the 1-year English immersion classes. The paper describes the political players behind Proposition 227, then discusses how it is in conflict with many laws and educational policies. Finally, it examines modifications that California must undertake in order to successfully implement Proposition 227, concluding that it is not healthy for education in California and ought to be dismantled. (Contains 29 references.) (SM)

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The Foundations and Current Impact of California's Proposition 227

by John Purcell

Proposition 227 was passed by an overwhelming majority on June 2, 1998. The statewide ballot initiative required that all children be taught English by being taught in English. This proposition, which has basically outlawed bilingual education in California, is the newest chapter in a long history of how non-English speaking and Limited-English proficient (LEP) students should be educated in this country.

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Historical, Social, Philosophical and Legal Foundations 1

Crawford (1999) describes the history of bilingualism in the United States. The framers of the U.S. Constitution did not adopt an official language for the country. Though English expanded as the dominant language, many immigrants were schooled in their native language when they arrived here. During the early part of the 20th Century, Americanization efforts linked speaking good English with the concept of being a good American. Ellwood Cubberly, as dean of Stanford University School of Education said: "Our task is to break up (immigrant) groups or settlements, to assimilate and amalgamate these people as part of our American race, and to implant in their children, as far as can be done, the Anglo-Saxon conception of righteousness" (Crawford, 1999, p.27). The U.S. government forced English to be the language of instruction in the new colonies of Puerto Rico, Hawaii, and the Philippines even though many of the people had no use for the language outside of school. Theodore Roosevelt said: "We have room for but one language in the country and that is the English language, for we intend to see that the crucible turns

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our people out as Americans, of American nationality, and not as dwellers in a polyglot boarding house" (Crawford, 1999, p.28).

By the time Americanization efforts subsided in the 1920's, most immigrant groups felt stronger pressure to leave their old ways behind and assimilate. Bilingual education basically disappeared throughout most of the United States. English Immersion or "sink-or-swim" programs became the dominant way to educate non-English speakers including groups, like the Indians and Spanish speakers of the Southwest, who were here before America was settled.

Bilingual education was reborn in the early 1960's through the success of the "two-way" bilingual model used in Dade County, Florida to educate Cuban refuges in English and American children in Spanish. Federal and state bilingual laws followed. Crawford (1999) writes that "From its outset, federal aid to bilingual education was regarded as a 'poverty program,' rather than an innovative approach to language instruction" (p.37) and this approach would dominate how bilingual programs were developed through the 1990's.

In 1968, the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act (ESEA), was signed into law and it became the first federal policy dealing with bilingual education. Resources were authorized to fund innovative programs dealing with the needs of students with limited English skills. Crawford (1999) writes that the second track of federal bilingual education policy arose in 1970 when many Mexican American, Puerto Rican, and Chinese parents filed lawsuits claiming that equal treatment for children of limited English proficiency (submersion in mainstream classrooms) meant unequal opportunities to succeed. The U.S. Supreme Court found in *Lau v. Nichols*, 414 U.S. 563, 94 S. Ct. 786 (1974) that federally funded schools violate the 1964 Civil Rights Act if they do not provide their non-English-speaking students with either instruction in how to speak English or with classes in their native language. The court did not mandate that bilingual education be required to correct language inequity but only stated that any remedy that would correct the constitutional inequity will be sufficient. Crawford (1999)

states that the "Lau remedies", which were guidelines the U.S. Commissioner of Education made to deal with the Lau decision, did go further that the court by stating that bilingual education must be provided to elementary school students who spoke little or no English and that and ESL program alone would be appropriate. Though the Lau remedies lack legal status as regulations, the force of the federal government was behind that which allowed the Office of Civil Rights to embark on and aggressive enforcement campaign whereby violators were made to negotiate consent agreements or loose federal funding. This left many school districts with no choice but to adopt bilingual education.

The Lau remedies were withdrawn when Ronald Reagan was elected president. Terrel Bell, the Secretary of Education called them "harsh, inflexible, burdensome, unworkable, and incredibly costly" (Crawford, 1999, p.53). Reagan himself stated: "It is absolutely wrong and against American concepts to have a bilingual education program that is now openly, admittedly dedicated to preserving their native language and never getting them adequate in English so they can go out into the job market and participate" (Crawford, 1999, p. 53). The remedies were changed to a broad statement saying that districts were to provide services to meet the educational needs of LEP children. Services provided would be left to the district which only needed to have an expert endorse them. The Office of Civil Rights dramatically scaled back it's Lau enforcement efforts through the Reagan, Bush, and Clinton administrations.

Crawford (1999) writes that many parents were frustrated by the inaction of the Office of Civil Rights so they took their complaints to federal courts and relied on the Equal Educational Opportunity Act of 1974 (EEOA) which stated that no state "shall deny equal educational opportunity to an individual on account of race, color, sex, or national origin" and that school districts must take "appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." In one such case, *Castandeda v. Pickard*, the court ruled in favor of the parents based on the EEOA and establish a three-part criteria for a program serving LEP children. The program must 1. be

based on a "sound educational theory" 2. be "implemented effectively," with adequate resources and personnel 3. be evaluated as effective in overcoming language handicaps after a trial period of time. This standard remains in effect in the Fifth Circuit and was adopted in 1991 by the Office of Civil Rights. However, its impact has faded as many federal judges have become more conservative.

During the Reagan years, bilingual education began to hit some bumps in California. Citizens of California voted three-to-one for Proposition 63 which was to declare English the official language of the state. According to Crawford (1999), the political climate created by Proposition 63 may have caused Governor George Deukmejian to veto twice attempts to extend California's bilingual education law called the Chacon-Moscone Bilingual-Bicultural Act of 1976 despite that every school board and educators' organization endorsed the extension. However, even though the law was allowed to "sunset" many of its practices remained in effect in the state as the California LEP student population soared over the next decade.

U.S. English, the organization that spent $700,000 to pass Proposition 63, was formed in 1983. According to Crawford (1999), U.S. English "crystallized a growing unease with bilingualism, or more precisely, with the perceived indifference toward English among recent immigrant...(Their) message is simple: our common language is threatened by the 'mindless drift toward a bilingual society'"(p. 64-65). These English Only proponents wanted to force federal, state, and local government to curtail a range of services that were provided in minority languages. In 1988, U.S. chairman John Tanton published a memorandum predicting a Hispanic political takeover in the U.S. if something was not done about Hispanic immigration and high birthrate. Two large contributors to the organization were discovered to have financed racist propaganda about immigrants and advocated policies of eugenic sterilization. Crawford (1999) states that the English Only movement that gained power during this time was very appealing to the critics of bilingual education which the Far Right had associated with ethnic separatism and political

disloyalty. To counter the English Only movement, the League or United Latin American Citizens and the Spanish American League Against Discrimination launched the English Plus campaign which argued that the national interest would be best served by a diverse society consisting of mastery of English plus other languages. Such a policy would "promote equal opportunities, increase cross-cultural understanding, safeguard minority language rights, and enhance the nation's position in world trade and diplomacy" (p. 77). By the end of the decade, Congress had decided that "English-only methods would be eligible for a substantial boost in federal funding, at the expense of native-language instruction" (Crawford, 1999, p.96).

Through the 1990's the media coverage of bilingual education continued to be dominated by a negative angle as it had been for the two decades prior. Crawford (1999) writes that the media "tend to repeat and often to reinforce stereotypes of bilingual education as a self-perpetuating bureaucracy designed primarily to provide jobs for Hispanics, a 'politicized' curriculum that puts a higher priority on ethnic pride than academic achievement, a pedagogy that keeps children from assimilating into the mainstream, and an obstacle to English acquisition" (p. 227).

The education reform movement started to build steam through the 80's and many conservatives tried to advance their agenda through it. Crawford (1999) writes that the conservative politicians drew connections between declining test scores, whole language, new math, child-centered approaches that de-emphasized rote learning, and moral relativism (sex education, ban on school prayer). They saw the enemy as the education establishment "portrayed as a bureaucratic leviathan dependent on big government and loyal to its liberal social agenda" (p.229). Reform efforts included a movement for national standards and goals for education. LEP students were of low priority in this movement. At the same time Republicans in Congress became more vocal in their opposition to bilingual education. Representative Toby Roth said: "I want all Americans to be the same" (Crawford, 1999, p. 237). Representative Pete King claimed bilingual education wasted

billions to encourage people not to learn English. In 1994, California voters cracked down on "illegal aliens" when they passed Proposition 187 which would exclude illegals from most government services, bar their children from school, and direct officials to report anyone suspected of being undocumented. All of this set the stage for the arrival of Ron Unz and Proposition 227 in California.

Ninth Street School is just off skid row in downtown Los Angeles. Half of the students that attend are homeless and almost everyone comes from homes where only Spanish is spoken. An Episcopal priest named Alice Callaghan ran a community center nearby that provided daycare for one fourth of Ninth Street students. Callaghan was a veteran at political organizing and in 1996 she took up the cause of abolishing bilingual education. She demanded the school district have English-only instruction at Ninth Street but received no active response. She demanded that parents take action and boycott the school for its failure to teach English. Over sixty parents did boycott the school for nearly two weeks in a highly publicized event. Crawford (1999) writes that many parents later told school staff they thought they had no choice but to boycott Ninth Street because they believed they would lose their free daycare at Callaghan's community center if they did not. Callaghan had the boycotting parents sign forms in English, which almost none could read, authorizing them to transfer their children out of bilingual education. The news reports of the boycott reached Ron Unz, a Silicon Valley businessman who had made millions in the software business. Unz immediately declared that parents should not have to carry picket signs to get their kids English instruction. He dipped into his personal fortune and the road to Proposition 227 was born.

Unz previously had run for governor where he had preached of upward mobility through assimilation. He called bilingual education and multiculturalism a poisonous brew to language minority groups. Crawford (1999) writes that Unz brought a different approach to English Only politics. "Instead of gauzy rhetoric about English and 'American' identity, he used specific arguments about educational effectiveness. Rather than blame

immigrants for failing to learn English, he posed as their advocate against unresponsive schools...Unz's arguments...exploited ignorance about language acquisition, which extended into liberal and progressive sectors of the electorate...Instead of 'Should bilingual education be reformed and made more flexible?" the question became: 'Should bilingual education be eliminated?" (p.251).

Unz's Proposition 227 had several highlights as described by Crawford (1999): 1. LEP student must be taught in "sheltered English immersion" classrooms "during a temporary transition period not normally intended to exceed one year." Their instruction must be delivered "overwhelmingly in English" by teachers "who possess a good knowledge of the English language." They must be transferred to mainstream classrooms after they have attained "a good working knowledge of English." 2. Parents may request "waivers" of the English-only rule under limited circumstances: (a) if their children already score at or above grade level in English; (b) if they are at least 10 years old and educators believe a bilingual program would foster "rapid English acquisition"; or (c) if they are under 10 and have "special physical, emotional, psychological, or educational needs" that would better be served through native-language instruction. 3. Teachers, administrators, and school board members who "willfully and repeatedly" violate the law's provisions may be sued by parents and held personally liable for financial damages and plaintiffs' legal fees. 4. The California legislature must appropriate $50 million each year to provide ESL instruction for adults who agree to tutor children in English.

Unz drilled home his message on the campaign trail: bilingual education was a failure and under it only about 5% of children each year have been found to have gained proficiency in English. Up against a media and public who believed bilingual education was a failure, advocates against Proposition 227 faced a tough battle which they lost overwhelmingly at the polls. Unz then took his victory in California and went to Arizona where he assisted in the passing of a similar proposal called Proposition 203.

Current Impact of Proposition 227

To understand the current impact of Proposition 227, research and theory surrounding bilingual education must first be addressed. Hakuta and Snow (1986) argue that basic research in bilingual education has shown several hypotheses supported by a body of evidence. These include: 1. Early childhood is not the optimum age to acquire a second language. 2. Language used for conversational purposes is quite different from language used for school learning and the former develops earlier than the latter. 3. Time spent learning in the native language is not time lost in developing English or other subjects. A child with a strong foundation in the first language will perform better in English over the long term. 4. Reading should be taught in the native language since reading skills acquired in the native language will transfer readily and quickly to English and will result in higher ultimate reading achievement in English. 5. It is possible bilingualism enhances children's thinking skills.

Stephen Krashen and Jim Cummins have been the two major theorists in bilingual education over the last two decades. Krashen (1985) hypothesizes that fluency in a second tongue cannot be learned through conscious mastery of grammar and vocabulary but must be acquired in essentially the same way we pick up our first language. Acquisition occurs incidentally, involuntarily, subconsciously, and effortlessly. We acquire through comprehensible imput which means we acquire messages in the second language that make sense and are ideally just beyond our competence. We internalize vocabulary and grammatical rules this way. Krashen (1985) asserts that a non-English speaker gets little or no comprehensible input in a sink-or-swim classroom. However, if the child if first provided background knowledge like a lesson taught in the native language, then English instruction becomes more comprehensible.

Cummins (1981) hypothesizes a theory referred to as common underlying proficiency whereby the skills in different languages inhabit the same part of the brain where the reinforce each other at the base while differing at the surface. For example, a child who has mastered the basics of reading and thinking in their first language will perform well when the enter a second-language environment. A child who has not mastered their first language and then makes a premature transition to a second is likely to be academically retarded in both languages. Cummins asserts that children must go beyond the basic interpersonal communications skills (BICS) of "playground English" and attain cognitive-academic language proficiency (CALP) if they are to succeed in the context-reduced and cognitively demanding activities of reading, writing and other subject. Cummins says that CALP usually takes five to seven years to develop. Collier and Thomas (1988) and Ramirez, Yuen, and Ramey (1991) both confirm that literacy and other skills transfer to a second language only after a minimum level of CALP has been achieved in the first language. Crawford (1999) writes of the Case Studies Project where schools put much of Krashen and Cummins' theories into action with positive results. Achieving CALP in the native tongue before a student was transition into an English classroom was an essential goal of the program. Students who developed CALP in the native tongue made an a transition to regular classrooms at about grade level and students who did not develop CALP fell further behind in regular English classrooms.

Crawford (1999) writes about how California has had difficulty with their bilingual education programs which may have contributed to a negative view of such programs in the media. California school districts have had inconsistent and widely differing bilingual programs throughout the state. Many of these programs are run by teachers who have no training in bilingual theory or methods or who do not even speak the primary language of the students they are trying to instruct. LEP students have almost hit the two million mark but there is only about twenty thousand certified bilingual teachers to teach them.

Proposition 227 allows for only one year for LEP students to acquire enough English to do regular classwork in the mainstream. Krashen (2001) claims that one year is "hopelessly inadequate, regardless of the approach used" (p.1). Several studies before the passage of Proposition 227 attest to this. In Mitchell, Destino, and Karan (1997) , a study by UC Riverside, found that English learners in a 227-style immersion program only improved from 2.18 to 2.84 on a 1-5 scale in one year, where 4 = sufficient English proficiency to survive in the mainstream. Their rating was only 3.24 after a second year. Ramirez, Yuen, and Ramey (1991) reported that children in immersion were nowhere near ready for the mainstream after one year (even though 70% knew some English before they started school). Only 21% of the students reached the redesignation standard by the end of first grade and only 38% achieved the standard by the end of second grade.

Since the passage of Proposition 227 there have been several reports on how LEP students are doing in relation to its mandates. Clark (1999) reported on a full academic year in the Orange Unified School District which was using a sheltered English immersion approach. 84% of the children in the study already had some English competence at the beginning of the year but only 47% had reached a level by the end of the year where they could even handle "modified" instruction in English. In addition 30% of the students were already at this level at the beginning of the year. Krashen (2001) writes that 88% of California's LEP student population are in all-English programs since the passage of Proposition 227. 877,031 students in grades 2 through 11 have been in school for more than one year and are still classified as limited English proficient according to data released by the California Department of Education in Spring 2001. "If Proposition 227 had kept its promise, no student should still be considered limited English proficient after one academic year in California schools," Krashen writes. "Propostion 227 has clearly failed to deliver. In fact, it has failed 877,031 times in California" (p. 2). Recently Krashen (2001b) attacked Unz once more: "Unz ignored controlled scientific research supporting bilingual education, and appealed to data on percentage of children reclassified as fluent English proficient to

support his claim that bilingual education was a failure. Unz now, however, considered reclassification rates to be 'meaningless.'"

Oceanside district in California is proclaimed the purist and most enthusiastic in terms of applying Proposition 227. Krashen (2001) writes that 88% of the LEP students in the district were still considered LEP after one or more years in the district English immersion program. Oceanside's current plan for LEP students provides for a maximum of five years of structured English immersion and preparation for mainstream English classes which is clearly much more than the one year of immersion called for by Proposition 227. "It is interesting that even the champions of Proposition 227 recognize that one year is not nearly enough" (p.4). Krashen (2001) presented this research to Ron Unz in a debate. Unz claimed the one year period is not rigid and can be extended. "If it takes longer, that's fine," Unz said. However the actual written Proposition calls for a one year period to which Krashen notes: "Districts will make policy and courts will make rulings based on what is written in the initiatives, not on Mr. Unz's interpretation" (p.4).

Hakuta, Butlet, and Witt (2000) provide research findings Krashen would agree with. According to their study of two California school districts which are considered the most successful in teaching English to LEP students, oral proficiency takes 3 to 5 years to develop. In addition, it can take 4 to 7 years to develop academic English proficiency which refers to the ability to use English in academic contexts which is very important to long-term success in school. They conclude that policies such as Proposition 227 which assume rapid acquisition of English are extremely unrealistic.

Two years after the passage of Proposition 227, Amselle and Allison (2000) analyzed California Stanford 9 test scores and concluded that California's LEP students were not harmed by English immersion and made significant gains in reading, writing, and math. School districts that chose the strictest interpretation of the initiative and implemented the most intensive English immersion programs saw the greatest test score gains. School districts that still used bilingual programs such as Santa Ana, Los Angeles, and San Jose

saw stagnant scores. However, Linn, Graue, and Sanders (1990) state that test scores always go up when a new test is introduced. The new SAT9 was introduced in California at the same time Proposition 227 passed. Linn et. al. (1990) state that scores increase about 1.5 to 2 points per year after a new test is introduced. Krashen (2000) writes: "Thus, test score inflation accounts for about half of the increase in grades 2 and 3 in the SAT9 reading test since 1998, and all of the increase in grades 4 through 7. It also suggests that SAT9 reading scores in California have actually declined slightly in grades 8 through 11. Test scores increase for a variety of reasons, and not all of them are related to increased learning. Among the bogus means of increasing test scores are extensive training in test-taking skills and selective testing" (p.3). Asimov (2000) found that "questionable pairings" appeared in 22 Bay Area school districts where test scores increased in those schools in which the number of students taking the test declined. In addition, some researchers agree that the SAT9 is not an appropriate measure for assessing English-learning students anyway.

Hakuta (2000) found that even if the use of SAT9 scores was a legitimate method to evaluate the effectiveness of Proposition 227, there is no evidence it succeeded since districts that kept bilingual education and districts that never did bilingual education both improved. The media focused attention on the success of the Oceanside district which dropped bilingual education and saw test scores rise. Hakuta (2000) found that the Oceanside test gains were similar to gains made in many California schools that retained bilingual education. Krashen (2000) adds that the Oceanside bilingual program was not even a bilingual program but a monolingual Spanish program.

However, there are many outside the classroom factors that also have a great impact on the academic success of LEP students. For Latinos, California's largest LEP population, Mora (2000) found that English-language proficiency and school performance is complicated and confounded by such socioeconomic and educational factors such as poverty, school climate, family mobility, academic work habits, and acculturation. In

addition Krashen (2001c) would add the absence of books in first and second language in these students lives.

Mora (2000) analyzed Proposition 227's impact based on factors identified as determinants of schooling effectiveness for language-minority students. She found that Proposition 227 failed to ensure a supportive school-wide climate that values the linguistic and cultural backgrounds of LEP students. LEP students were taught almost in all-English by teachers with no specialized training in second-language-acquisition theory and methodology. Proposition 227 also failed to use the students' native language and culture as a persistent and key instructional strategy because a one-year English-immersion program would not provide fully developed basic conversational sufficient proficiency in English for students to keep up with academic learning over the long term. When students are mainstreamed too quickly, they fall further behind. LEP students academic motivation and self-esteem may be negatively affected if they view a disconnection between home and school. In addition, if a bilingual teacher they know speaks their primary language cannot speak to them in class in it, they may view their language and culture as inferior. In opposition, Porter (2000) writes that "there is no evidence for the superiority of native-language teaching programs for students' better or more rapid learning either of English or of subject matter. Neither is there proof of higher academic achievement or higher self-esteem among students in bilingual schools" (p 53). However she does state that teachers need to be trained in English immersion and that one year of special help in English may not be enough for most children.

Proposition 227 did not mandate that teachers of the one year structure English immersion classes be required to be bilingual or to have a CLAD teaching credential which demonstrates expertise in teaching LEP students. Thus, 227 fails to see that highly trained and qualified teachers receive ongoing staff development relevant to student needs and program requirements. Proposition 227's Section 320 which gives parents and legal guardians of students standing to sue teachers and other school officials personally for

teaching in a non-English language has created controversy. Chey and Gittlesohn (1999) has found that staffing patterns are shifting since Proposition 227 as many bilingual teachers are leaving English-only districts and going to waiver districts thereby leaving new and inexperienced CLAD-credentialed teachers to deal with the LEP student population.

Mora (2000) reports that Proposition 227 has made it difficult for parents to get a "parental exception waiver" for an alternative course of study. However, parent requests for them have been on the uprise. Los Angeles Unified processed 11,000 waivers in October 1998 but with nine months the number had jumped to 23,000 and continues to rise. Mora (2000) also analyzed the assessment measures taken to see the extent to which Proposition 227 achieved its desired educational outcome. She writes: "The exaggerated claims of evidence of 'success' made by proponents of Proposition 227 on the basis of SAT9 results raise concerns about the misuse of evaluation data for political purposes rather than sound pedagogical decision making."

Proposition 227 has had other negative results according to several authors. Alamillo and Viramontes (2000) found that implementation of 227 along with high stakes testing and increased accountability has created a tense and demoralizing environment for teachers. Paredes (2000) found that students' limited English proficiency impeded comprehension of mathematical concepts in first and second grade.

The focus on education reform and accountability allowed for many quick fix solutions to hit the education field. Ron Unz's Proposition 227 is one such solution. As Quezada, Wiley, and Ramirez (2000) write: "when the dust settles, we will not be surprised to find that one-size-fits-all programs and practices are not appropriate for diverse students, because they were politically motivated and enacted without empirical research...Policies such as Proposition 227 shortchange students who are most at risk of school failure and low levels of literacy development. These students will continue to do poorly--until we base policies on an informed understanding of their needs" (p. 61).

Unz, who has no experience in the field of education, has started his own revolution on how to teach the large population of LEP students. However, I believe from the research and my own experiences teaching LEP students that his policy will achieve the opposite of what it is intended to do. Instead of helping LEP students achieve in our American society by mainstreaming them into English quickly, I believe Proposition 227 will cause these students to fall further behind and become more "at-risk" of dropping out of school. LEP students need a teacher who is well-trained in this area and who is given the freedom to try a multitude of approaches to teaching them instead of Unz's quick fix retentive method. Many of these LEP students are behind and are "at-risk" of school failure. Pushing them into an environment that is foreign to them and then asking them to fit in quick will not help the situation. In addition, Proposition 227 devalues the multicultural society California has become. Instead of celebrating the over 100 languages and cultures in the state, it alienates them. On top of that, there are many Native American languages and cultures that will face extermination in this state in this decade. Proposition 227 will only kill them off faster than expected.

Yet we don't have to wait years to see what happened to the LEP children whose parents pulled them out of Ninth Street School in protest. Crawford (1999) found that after 2 years in an intensive English instruction program that their parents had protested for, only 2 out of 74 students had been reclassified as fluent in English. On state achievement tests, these same students scored in the 11th percentile in reading, the 15th percentile in language, and the 16th percentile in math. These scores were well below the scores of their classmates who had remained in bilingual classrooms. These same students who started Unz on his way are signifying his failure.

The Political Players

There is no more major political player behind Proposition 227 than Ron Unz, a self-made Silicon Valley millionaire who financed a great deal of the campaign for the proposition himself. He has also led a similar Arizona proposition to victory and is presently attempting campaigns in Massachusetts and Colorado. Unz has gained a lot from these victories and it certainly has put him on the map as a revolutionary in education reform. If Proposition 227 was changed or eliminated, Unz would stand to loose a lot of his newfound political power and the millions of his own personal fortune he invested in the campaign.

Unz distanced himself from English Only politics and did not align himself with the group U.S. English when campaigning for Proposition 227. Though Crawford (1999) writes that Unz has funded the Center for Equal Opportunity, a Washington advocacy group that opposes bilingual education and affirmative action on civil rights grounds, he did not align himself with these ideas when campaigning. He avoided arguing for English and American identity but instead focused on the educational effectiveness of schooling and bilingual education. Still, U.S. English and other English Only political groups could be said to share in the victory of Proposition 227 and would see its elimination to be a big blow to their organizational philosophy. There are a lot of other conservative and progressive groups which would also not want to see Proposition 227 eliminated since it might concur with aspects of their group beliefs.

The political players against Proposition 227 are numerous and have various issues at stake. The educational establishment active in bilingual education research and language-acquisition theory have a great deal at stake. Stephen Krashen, Catherine Snow, James Crawford, Jim Cummins, and Virginia Collier are a few of the well-known names in this area. Since Proposition 227 is a slap in the face to much of their theories and research, they

have a lot to loose if more states follow California and Arizona's lead. The proposition is threatening the survival of their life's work.

When Unz was campaigning for Proposition 227, a long list of special interest groups comprised of every major educational organization in California stepped up to fight it including the California Teachers Association, the California Federation of Teachers, the California School Board Association, the Association of Mexican American Educators, the California Association of Teachers of English to Speakers of Other Languages, the Association of California School Administrators, the California Association for Bilingual Education, the Mexican American Legal Defense and Education Fund, California Tomorrow, the Northern California Coalition for Immigrant Rights, and Multicultural Education Training and Advocacy. Other groups such as Service Employees International Union, United Farmworkers, the National Council of La Raza, Asian Pacific Islander Legal Center, and the Latino Civil Rights Network joined in too. Some like the California Association for Bilingual Education have more at stake in relation to Proposition 227 than others. Educational organizations that represent bilingual teachers have a great deal at stake since many of these teachers could be unemployed as a result of Proposition 227.

Many groups that represented Latino interests supported the campaign against Unz and Proposition 227. The Latino vote turned out to be two to one against the initiative despite poll predictions that Latinos would side with Unz. In the end, Latinos did not trust the future education of their children to Proposition 227. Since Latinos represent the largest LEP student population in California, there is a lot at stake for their future in this state. If Unz's proposition does not help this and other non-English groups, there are a lot of lives that could fall behind or dropout of school altogether. For a growing multicultural state like California to have a large portion of its future population and work force educated in an erroneous fashion means there is a lot at state in Proposition 227's success for us all as citizens.

Conflicts of Interest

Proposition 227 is in conflict with many laws and educational policies. The U.S. Supreme Court ruled in *Lau v. Nichols* , 414 U.S. 563, 94 S. Ct. 786 (1974) that federally funded schools violate the Title VI of the 1964 Civil Rights Act if they do not provide their non-English-speaking students with either instruction in how to speak English or with classes in their native language. Though the court did not mandate bilingual education but instead said that any remedy which corrects the constitutional inequity will suffice, it could be argued that Proposition 227 would be in violation of *Lau* since the court basically said that sink-or-swim methods were not acceptable. The *Lau* court based its decision on the Civil Rights Act so it did not rule whether the failure to offer remedial English instruction violated the Equal Protection Clause of the Fourteenth Amendment. However, an argument could be made that Proposition 227 is a law that would violate the Equal Protection Clause of the Fourteenth Amendment.

It could also be argued that Proposition 227 is in conflict with the Equal Education Opportunities Act (EEOA) of 1974 as it is interpreted by the Fifth Circuit Court of Appeals in *Castaneda v. Pickard.* The EEOA requires school districts to take "appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs." Crawford (1999) writes that the court in *Castaneda* defined "appropriate action" with a three criteria program for serving LEP students: 1. It must be based on "a sound educational theory", 2. It must be "implemented effectively," with adequate resources and personnel, 3. After a trial period, it must be evaluated as effective in overcoming language handicaps. In June 1998, an injunction against implementation of Proposition 227 was filed by civil rights groups who argued that it violated the EEOA. They also said the initiative violated the Supremacy Clause of Article VI, Clause 2 of the U.S. Constitution, the equal protection clause of the 14th Amendment and the due process

provisions of the 5th and 14th Amendments of the U.S. Constitution. Mora (2000) writes that the plaintiffs claimed that Proposition 227 failed to provide the requisite services to LEP students based on "sound educational theory" and that the law lacked an adequate implementation-and-evaluation system. The federal court relied upon pro-Proposition 227 experts' interpretation of the one-year SEI program model and ruled that Proposition 227 does not impede the ability of school districts to comply with the EEOA. The court interpreted *Casteneda* to mean that an interim sacrifice of learning during the period in which students are acquiring English is permissible under the definition of "appropriate action" for a school district. Though the court did not grant the injunction, using the *Casteneda* test for violation of the EEOA may still be used to challenge Proposition 227 down the road specifically in regards to its effectiveness in overcoming language handicaps.

Proposition 227 may also be argued to be in conflict with the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act (ESEA). The revised 1994 version of this act contains the provision that in awarding grants, priority is to be given to applicants seeking to develop "bilingual proficiency both in English and another language for all participating students." In addition, programs which are designed to conserve endangered Native American languages must be funded. The federal court, when it denied the injunction against Proposition 227, found that Proposition 227 did not impede with the ability of school districts to comply with their obligations under this act. However, I believe this will be challenged again in court especially in regards to Proposition 227 and the conservation of Native American languages. In relation to this, it may also be argued that Proposition 227 may be in conflict with the Native American Language Act. This policy states that it is the federal government's "responsibility to act together with Native Americans to ensure the survival of these unique cultures and languages." As Ferrin (1999) states, the principles of Proposition 227 seem to enhance extinction of Native American languages and culture in California.

Proposition 227 is also inconsistent with the Impacted Languages Act of 1984 and the Bilingual Teacher Training Assistance Program of 1981 which still calls for bilingual instruction.

Modifications and Conclusions

There are so many modifications the state of California needs to undertake if it intends to implement Proposition 227 with any measure of success. First the Commission of Teacher Credentialing needs to change its teacher preparation and training programs so they are align with 227's one-year English immersion program. The Commission also has to deal with how to effectively train teachers already in the classroom.

I think it would also be important that more research be done into English Language Development to see at what point certain students should be mainstreamed. Unz himself has said that one year may not be enough and most theorists laugh at the notion that it can be done in one year. De Cos (1999) writes that mainstream students may be more at risk for academic and social integration which could lead to dropping out. I agree with her that a "transition plan" must be developed to facilitate the switch to the mainstream.

Proposition 227 also needs to have an independent contractor evaluate the effectiveness of its English immersion programs and to make recommendations to strengthen, refine, and adjust programs to effectively education language minority students.

De Cos (1999) also writes that the California legislature should provide grants to local heritage or community language schools so that they may teach the cultural traditions and maintain the heritage of specific groups. I also think this should be done so that many of the many of the languages that might be lost under Proposition 227 can still prosper.

The waiver policy of Proposition 227 needs to be modified to make it easier for the parents of LEP students to select an alternative program for their children. The conditions

on the present waiver policy are confusing and many parents are ill informed on these matters. As Shultz (1998) writes: "Parents have to put their child in an English-only class for the first month of every school year and then beg permission form school administrators to change classrooms" (p. 22). This is degrading to parents. In addition parents might be forced to take their child to a school far away so they can be accommodated at their own expense. Many of these LEP parents are poor and may be enable to drive their children a far distance for school. Proposition 227 needs to give some power and choice back to parents. The policy practically ignores the parents of LEP children who should be allowed to make choices and be involved in their child's education.

One provision that need to be tossed out of Proposition 227 entirely is the initiative that will hold teachers, administrators, and school board members liable if they willfully refuse to implement the terms of the initiative. I agree with Olsen (1998) who writes: "Penalizing teachers in this way may further discourage people from pursuing teaching careers precisely at a time when California schools face a severe teacher shortage" (p.12).

Yet I will go even further to suggest that Proposition 227 is not healthy for education in California and it would be wise to dismantle it entirely. As Krashen (1985) and Cummins (1981) suggest, bilingual education has helped children develop "academic English" as well as developing the child's native language. Proposition 227 moves children into all English classrooms too fast. It is demeaning to their culture and self-esteem and may contribute to LEP students dropping out of school. It also deprives children of the many social advantages resulting from the use of their mother tongue. Many times when children are forced to abandon their native tongue at a young age and speak English, parents and children do not share a common language. Wong-Fillmore (1991) writes that when this happens communication is often limited to the basic necessities which prevents parents from transmitting to their children the complex set of values, beliefs, wisdom, and understand which provides the foundation for their child's development.

Bilingual education has received a lot of bad publicity as Crawford (1999) explains. Many bilingual programs were poorly run with teachers who were inexperienced in the language and teaching of LEP students. This could attest for the failure of many programs. Krashen (2001c) states that bilingual education could be improved with more books in the first and second languages of LEP students. Many LEP students have little access to books in their home, school, or library.

Yet there are many types of bilingual education programs that California could choose from. Even Baker (1999) , who argues against Krashen on Proposition 227, writes that he sees that the early-exit bilingual education program as being successful and applicable to substitute for the structured English immersion Proposition 227 calls for.

Crawford (1999) writes that in the United States our government has subsidized instruction in 169 "critical languages" deemed vital to national security, scientific inquiry and economic competitiveness. Yet it is ludicrous that we should be encouraging and mandating native speakers of these languages to abandon them. In this way the United States encourages English speakers to become bilingual but asks language minorities to abandon their language and speak English. It is my belief that policies like Proposition 227 are counterproductive to our society. Instead our country should be offering additive bilingualism to both English speakers and language minority students. An excellent way to do this is through Dual Language Instruction or Two-Way Bilingual Immersion. Crawford (1999) writes of the success of such programs where language-majority and language-minority children learn side by side and assist each while they both become fluent bilinguals. A strong correlation between fluent bilingualism and academic achievement was discovered when those with the highest bilingual proficiency scored highest in reading and math in both English and Spanish languages.

As our country's Native American languages are disappearing at the same time more ethnic groups and languages are coming here to live, we need to develop a policy on language for our country that is productive. I agree with Crawford (1999) when he writes

that America should have a national language policy like Australia's which incorporated four principles: 1. competence in English for all Australians, 2. a language other than English for all, either through the maintenance of existing skills or opportunities for Anglo-Australians to learn a second language, 3. the conservation of languages spoken by Aborigines and Torres Strait Islanders, 4. equitable and widespread services in languages other than English, including interpreters, libraries, and media.

If the United States could adopt such a policy, I think we would be all the better for it. However, there is the old Horatio Alger myth in this country whereby the immigrant who picks himself up by his bootstraps, learns English, and works hard, can go on to find the American Dream. This myth seemed to have resonated with citizens when they voted for Proposition 227. It may have also resonated with Ron Unz whose story of becoming a self-made multi-millionaire isn't too far off from the type of story Horatio Alger wrote about years ago.

References

Alamillo, L. & Viramontes, C. (2000). Reflections from the classroom: Teacher perspectives on the implementation of Proposition 227. *Bilingual Research Journal*, 24 (1,2) 155-67.

Amselle, J. & Allison, A. C. (2000). *Two years of success: an analysis of California test scores after Proposition 227.* Washington, DC: READ (Institute for Research in English Acquisition and Development).

Asimov, N. (2000). Test scores up, test-takers down: Link between participation, improvement on school exam prompts concern. *San Francisco Chronicle*, Saturday, July 22, 2000.

Baker, K. (1999). How can we best serve LEP students? A reply to Nicholas Meier and Stephen Krashen. *Phi Delta Kappan*, 80 (9) 707-10.

Clark, K. (1999). *From primary language instruction to English immersion: How five California districts made the switch.* Washington, DC: READ (Institute for Research in English Acquisition and Development).

Chey, E. & Gittlesohn, J. (1999) Educators review lessons of Prop. 227. *Orange County Resister*, 8 August, 1.

Collier, V. P. & Thomas, W. P. (1988). *Acquisition of cognitive-academic language proficiency: a six-year study.* Paper presented at the annual meeting of the American Educational Research Association, New Orleans.

Crawford, J. (1999). *Bilingual education: history politics theory and practice.* Los Angeles: Bilingual Education Services, Inc.

Cummins, J. (1981). The role of primary language development in promoting educational success for language minority students. In C. Leyba (Ed.),*Schooling and language minority students: a theoretical framework.*. Los Angeles: California State University.

de Cos, P. L. (2000). *Educating California's immigrant children: An overview of bilingual education.* Sacramento: California Research Bureau.

Ferrin, S. E. (1999). Reasserting language rights of Native American students in the face of Proposition 227 and other language-based referenda. *Journal of Law and Education*, 28 (1), 1-33.

Hakuta, K. & Snow, C. (1986). The role of research in policy decisions about bilingual education. *NABE News 9*, 3 (1), 18-21.

Hakuta, K., Butler, Y., & Witt, D. (2000) *How long does it take English learners to attain proficiency?* Santa Barbara: California University Linguistic Minority Research Institute.

Hakuta, K. (2000) *Points on SAT-9 performance and proposition 227.* http://www.standford.edu/~hakuta/SAT9/SAT9_2000/bullets.htm

Krashen, S. D. (1985). *The imput hypothesis: issues and implications.* London: Longman.

Krashen, S. D. (2000). Bilingual education: It works. *Rethinking Schools* 15 (2) 2-25.

Krashen, S. D. (2001). Are children ready for the mainstream after one year of structured English immersion? *TESOL Matters* 11 (4), 1-4.

Krashen, S. D. (2001b). Letter in *Education Week* January 9, 2002.

Krashen, S. D. (2001c). Bilingual education. In B. Guzzetti (Ed.), *Literacy in America: An encyclopedia.* In press.

Linn, R. Graue, E., & Sanders, N. (1990). Comparing state and district test results to national norms: The validity of claims that "everyone is about average." *Educational Measurement: Issues and Practice* (9), 5-13.

Mitchell, D. , Destino, T. and Karan, R. (1997). *Evaluation of English language development programs in the Santa Ana Unified School District.* Riverside, CA: California Educational Research Cooperative, University of California, Riverside.

Mora, J. K. (2000). Policy shifts in language-minority education: A mismatch between politics and pedagogy. *Educational Forum*, 64 (3), 204-14.

Olsen, L. (1998). The Unz/Tuchman "English for children" Initiative: A new attack on immigrant children and the schools. *Multicultural Education*, 5 (3) 11-13.

Paredues, S. M. (2000). How Proposition 227 Influences the language dynamics of a first and second grade mathematics lesson. *Bilingual Research Journal*, 24 (1,2) 179-99.

Porter, R. P. (2000). The Benefits of English immersion. *Educational Leadership*, 57 (4), 52-56.

Quezada, M, Wiley, T., & Ramirez, J. (2000). How the reform agenda shortchanges English learners. *Educational Leadership*, 57 (4), 57-61.

Ramirez, J., Yuen, S. D., & Ramey, D. (1991). *Final report: longitudinal study of structured immersion strategy, early-exit, and late-exit transitional bilingual education programs for language-minority children.* San Mateo, CA: Aguirre International.

Shultz, J. (1998). Bilingual education: Politics first, children second. *Thrust for Educational Leadership*, 28 (2) 22-24.

Wong-Fillmore, L. (1991). When learning a second language means losing the first. *Early Childhood Research Quarterly*, 6 (3), 323-346.